

Docket No.: 6106-000006/US/NP
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Paul MEREDITH et al.

Application No.: 10/579654

Confirmation No.:

Filed: May 18, 2006

Art Unit: N/A

For: SILICA FILMS AND METHOD OF
PRODUCTION THEREOF

Examiner: Not Yet Assigned

FIRST PRELIMINARY AMENDMENT

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Prior to examination on the merits, please amend the above-identified U.S. patent application as follows:

Amendments to the Specification begin on page 4 of this paper.

Remarks/Arguments begin on page 5 of this paper.

AP7 Rec'd PCT/PTO 12 SEP 2006

PTO-1390 (Rev. 07-2005)

Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|---|---|--|
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER 6106-000006/US/NP |
| INTERNATIONAL APPLICATION NO. PCT/AU2004/001622 | INTERNATIONAL FILING DATE 22 November 2004 | U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/579654 |
| TITLE OF INVENTION SILICA FILMS AND METHOD OF PRODUCTION THEREOF | | PRIORITY DATE CLAIMED 21 November 2003 |
| APPLICANT(S) FOR DO/EO/US Paul MEREDITH et al. | | |

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | | | |
|--|---------------|---|-------------------|--|---------------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/579654 | | INTERNATIONAL APPLICATION NO. PCT/AU2004/001622 | | ATTORNEY'S DOCKET NUMBER 6106-000006/US/NP | |
| 20. <input checked="" type="checkbox"/> Other items or information: Certificate of Express Mailing Label EV 570 161 670 US, Return Receipt Postcard | | | | | |
| 21. <input type="checkbox"/> The following fees have been submitted | | | | CALCULATIONS | PTO USE ONLY |
| Basic national fee (37 CFR 1.492(a)) \$300 | | | | \$ | |
| 22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) | | | | | |
| If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 | | | | \$ | |
| All other situations \$200 | | | | | |
| 23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) | | | | | |
| If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 | | | | \$ | |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 | | | | | |
| International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 | | | | | |
| All other situations \$500 | | | | | |
| TOTAL OF 21, 22 and 23 = | | | | \$ 0.00 | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| - 100 = | /50 = | | x \$250.00 | \$ | |
| Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | - 20 = | | x | | |
| Independent claims | - 3 = | | x | | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + . | | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ 0.00 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. | | | | | |
| SUBTOTAL = | | | | \$ 0.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ 0.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | \$ | |
| | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$ 0.00 | |
| | | | | Amount to be refunded: | \$ |
| | | | | Amount to be charged | \$ |

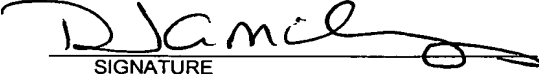
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ 0.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

David A. McClaughry
Harness, Dickie & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, Mi 48303
United States


SIGNATURE

David A. McClaughry
NAME

CUSTOMER NUMBER: 27572

37,885
REGISTRATION NUMBER

DATED: September 12, 2006

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 570161670 US in an envelope addressed to:

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on September 12, 2006
Date


Signature

David A. McClaughry

Typed or printed name of person signing Certificate

37,885
Registration Number, if applicable

(248) 641-1600
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Certificate of Express Mailing Label EV 570161670 US
2. Transmittal Letter to the United States Designated-Elected Office (3 pages, in duplicate)
3. First Preliminary Amendment (5 pages)
4. Return Receipt Postcard